

Senate Amendment 3133

PAG LIN

1 1 Amend Senate File 392 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 1 5 1, Code 2003, is amended to read as follows:
1 6 The department shall adopt rules establishing
1 7 construction design standards for formed manure
1 8 storage structures that are part of confinement
1 9 feeding operations other than small animal feeding
1 10 operations. However, the construction design
1 11 standards shall apply to a formed manure storage
1 12 structure that is part of a small animal feeding
1 13 operation as provided in section 459.310.
1 14 Sec. 2. Section 459.308, subsection 3, Code 2003,
1 15 is amended to read as follows:
1 16 3. A person shall not construct an unformed manure
1 17 storage structure on karst terrain or on an area that
1 18 drains into a known sinkhole. However, a person may
1 19 construct an unformed manure storage structure, if
1 20 there is a twenty-five foot vertical separation
1 21 distance between the bottom of the unformed manure
1 22 storage structure and underlying limestone, dolomite,
1 23 or other soluble rock.
1 24 Sec. 3. Section 459.310, subsection 1, unnumbered
1 25 paragraph 1, Code 2003, is amended to read as follows:
1 26 Except as provided in subsection subsections 3 and
1 27 3A, the following shall apply:
1 28 Sec. 4. Section 459.310, subsection 2, Code 2003,
1 29 is amended to read as follows:
1 30 2. A Except as provided in subsection 3A, a
1 31 confinement feeding operation structure shall not be
1 32 constructed on land that is part of a one hundred year
1 33 floodplain as designated by rules adopted by the
1 34 department pursuant to section 459.301.
1 35 Sec. 5. Section 459.310, Code 2003, is amended by
1 36 adding the following new subsection:
1 37 NEW SUBSECTION. 3A. A separation distance
1 38 required in subsection 1 or the prohibition against
1 39 construction of a confinement feeding operation
1 40 structure on a one hundred year floodplain as provided
1 41 in subsection 2 shall not apply to a confinement
1 42 feeding operation that includes a confinement feeding
1 43 operation structure that was constructed prior to
1 44 March 1, 2003, if any of the following apply:
1 45 a. One or more unformed manure storage structures
1 46 that is part of the confinement feeding operation is
1 47 replaced with one or more formed manure storage
1 48 structures on or after the effective date of this Act,
1 49 and all of the following apply:
1 50 (1) The animal weight capacity or animal unit
2 1 capacity, whichever is applicable, is not increased
2 2 for that portion of the confinement feeding operation
2 3 that utilizes all replacement formed manure storage
2 4 structures.
2 5 (2) The use of each replaced unformed manure
2 6 storage structure is discontinued within one year
2 7 after the construction of the replacement formed
2 8 manure storage structure.
2 9 (3) The capacity of all replacement formed manure
2 10 storage structures does not exceed the amount required
2 11 to store manure produced by that portion of the
2 12 confinement feeding operation utilizing the formed
2 13 manure storage structures during any fourteen-month
2 14 period.
2 15 (4) No portion of the replacement formed manure
2 16 storage structure is closer to the location or object
2 17 from which separation is required under subsection 1
2 18 than any other confinement feeding operation structure
2 19 which is part of the operation.
2 20 (5) The formed manure storage structure meets or
2 21 exceeds the requirements of section 459.307.
2 22 b. A formed manure storage structure that is part
2 23 of the confinement feeding operation is constructed on
2 24 or after the effective date of this Act pursuant to a
2 25 variance granted by the department. In granting the

2 26 variance, the department shall make a finding of all
2 27 of the following:
2 28 (1) The replacement formed manure storage
2 29 structure complies with standards adopted pursuant to
2 30 section 459.307.
2 31 (2) The replacement formed manure storage
2 32 structure more likely than not provides a higher
2 33 degree of environmental protection than the
2 34 confinement feeding operation's existing manure
2 35 storage and handling facilities.
2 36 If the formed manure storage structure will replace
2 37 any existing manure storage structure, the department
2 38 shall, as a condition of granting the variance,
2 39 require that the replaced manure storage structure be
2 40 properly closed.
2 41 Sec. 6. EFFECTIVE DATE. This Act, being deemed of
2 42 immediate importance, takes effect upon enactment.>
2 43 #2. Title page, line 1, by striking the word
2 44 .
2 45 #3. Title page, line 2, by inserting after the
2 46 word the following: <, and providing an
2 47 effective date>.
2 48
2 49
2 50
3 1 MARK ZIEMAN
3 2 SF 392.304 80
3 3 da/cf